Mackarness, Frederic Michael Coleridge
The methods of the Indian police in the 20th century

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THE METHODS

OF

HE INDIAN POLICE

IN THE

20TH CENTURY

Here is the story of what the police did to the woman, in the very words of the official "Resolution":

Gulab Bano (the woman) made a statement to the following effect: "I was hung to the roof by the police (Superintendent and two Head Constables) . . . during the investigation, with a rope in my legs, and a baton smeared with green chillies was thrust up my anal opening."—See page 17.

PUBLISHED BY
HE HINDUSTAN GADAR OFFICE
SAN FRANCISCO

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INTRODUCTORY NOTE

The well-known British Imperialist, Lord James Bryce, formerly Ambassador at Washington, has recently described British rule in India thus:

"There is in British India no room for popular initiative or for popular interference with the acts of the rulers from the Viceroy down to a district official. . . .

"The English govern their own country on *democratic,* India on *absolutist* principles. The inconsistency is patent. . . .

"(Britain) profits by her dominion (in India) . . . in respect of having an enormous market for her goods, industrial or commercial enterprises offering comparatively safe investments for her capital, and a field where her sons can make a career. . . .

"The English in India have . . . employed the natives in subordinate posts . . . but have continued to reserve the higher posts for men of European stock" (Englishmen, of course).—(Pp. 28 et sub., *The Roman and the British Empires, by James Bryce.* Oxford University Press, 1914.)

The character of the economic exploitation by the British, and the consequent impoverishment, of India can be understood from our Bulletin No. I, entitled *The Facts.* Now such colossal graft can not be maintained except by brute force, what James Bryce calls "absolutist principles." The double-handed engine of oppression in India is the *Army* and the *Police.* To quote James Bryce again:

"(English) society is not in India as it is in England, an ordinary civil society. It is a military society, military first and foremost. . . . The traveler from peaceful England feels himself, except perhaps in Bombay, *surrounded by an atmosphere of gunpowder* all the time he stays in India."—(Ibid., p. 13ff.)

Under perennial martial law there can be no proper administration of justice. The executive and judicial functions are combined in the same person, usually an English military officer. Between the English and the natives there is, of course, no

justice. When Englishmen murder Hindus they are let off with a small fine. But even between the native and the native there is no justice. And it is to prove *this,* that we issue the present Bulletin, which consists of a reprint of Justice Mackarness' pamphlet, entitled "The Methods of the Indian Police in the Twentieth Century" (originally published in London, 1910), and an Appendix by ourselves bringing the woeful tale up-to-date (1915).

Mr. Frederic Mackarness is one of the most distinguished and responsible English gentlemen. Nobody can accuse him of partisanship for the Hindus. Like James Bryce, he is an ardent, though enlightened, British Imperialist. His arraignment of British rule contained herein, must be taken to mean that the worthiest spokesmen of the British nation *confess* that **British rule in India has been an infamous failure.**

Not a word has been said in this Bulletin about barbarous —extraordinarily barbarous even for India—punishments inflicted on the "politicals." Children are flogged in the public squares, for instance, for reciting even mildly patriotic songs. The subject is of grave importance and must be reserved for separate treatment.

Gentle reader, you have a Heart and a Head and when you are through with this Bulletin we know you will join us in proclaiming to the civilized world that—

The infamous and blood-stained fabric of British Imperialism in India must be blotted out of existence.

The Day of Reckoning Is Nigh!

EDITOR HINDUSTAN GADAR.

November, 1915.

METHODS OF THE INDIAN POLICE IN THE 20th CENTURY

BY

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PREFACE

The greater part of this Pamphlet appeared in letters, addressed to the Editor of the *Nation* in November and December last, which I have received his kind permission to republish in this form.

I desire to emphasize the fact that the evidence is taken almost entirely from official sources, *e.g.*, the Report of the Police Commission appointed by Lord Curzon, recent judicial and magisterial utterances in India, and recent statements of Ministers in Parliament—in other words from sources naturally disposed to make the best case for the police.

I venture to ask any dispassionate person whether it does not reveal a state of things not only sufficient to justify discontent in those who suffer under it, but one that is thoroughly discreditable to the British administration in India.

FREDERIC MACKARNESS.

Temple, March, 1910.

"In no branch of the administration in Bengal is improvement so imperatively required as in the police. There is no part of our system of government of which such universal and bitter complaint is made, and none in which, for the relief of the people and the reputation of the Government, is reform in anything like the same degree called for. . . . In the Lieutenant-Governor's judgment, without any hesitation whatever, the improvement of the police must, in the interests of the people and of good government, take precedence of every other project in Bengal."—*(Sir John Woodburn, late Lieutenant-Governor of Bengal to the Government of India,* December 12, 1901.)

"The Commission desire, as the result of their inquiries, emphatically to record their full concurrence in the views of the late

Sir John Woodburn as above expressed. There is no province in India to which these remarks may not be applied, though there is no other province in which the necessity for real reform is more urgent than in Bengal."—*(Report of Indian Police Commission appointed by Lord Curzon.* Parl. Blue Book, C-D, 2,478, p. 14, 1905.)

"The Commission regret to have to report that they have the strongest evidence of the corruption and inefficiency of the great mass of investigating officers of higher grades. . . . The forms of this corruption are very numerous. It manifests itself in every stage of the work of the police station. The police officer may levy a fee or receive a present for every duty he performs. More money is extorted as the investigation proceeds. . . . The station-house officer will sometimes hush up a case in payment of his terms. He will receive presents from their parties and their witnesses: he will levy illicit fees from shopkeepers and others for services rendered, or to obviate vexatious espionage. . . . The illicit gains in some police stations in Bengal in connection with alluvial lands are almost incredible." —*(Curzon Commission,* p. 16.)

"Another very serious ground of complaint against them is the unnecessary severity with which they often discharge their duties. . . . A body of police comes down to the village, and is quartered in it for several days. The principal residents have to dance attendance on the police all day long and for days together. Sometimes all the villagers are compelled to be in attendance, and inquiries degrading in their character are conducted *coram populo.* Suspects and innocent persons are bullied and threatened into giving information they are supposed to possess. The police officer, owing to want of detective ability or to indolence, directs his efforts to procure confessions by improper inducements, by threats, and by moral pressure. *It is easy, under the conditions of Indian society, to exercise strong pressure and great cruelty without having recourse to such physical violence as leaves its traces on the body of the victim.*

. . . *What wonder is it that the people are said to dread the police, and to do all they can to avoid any connection with a police investigation? Deliberate association with criminals in their gains, and deliberately false charges against innocent persons on the ground of private spite or village faction, deliberate torture of suspected persons, and other most flagrant abuses occur occasionally*" (italics mine).—*(Curzon Commission,* p. 17.)

"One very common abuse requiring special reference is that form of 'informal arrest,' known often as 'Nazar Kaid.' . . . The period of detention is stated to be used . . . for the purpose of examining and cross-examining the suspect, with the assistance of village elders, and subjecting him to moral pressure to induce him to make such statements as may lead to the arrest of the offender. The *moral pressure is often of the most serious character, though leaving no marks of physical violence, it amounts to very effective torture* (italics mine). . . . The system is altogether improper, and constitutes a serious breach of the law. *It is such abuses as these that intensify the indifferent and hostile attitude of the people*" (italics mine.).—*(Curzon Commission,* pp. 113, 114.)

"The evidence before the Commission shows them that the practice of working for confessions is still exceedingly common. It is most objectionable. On the one hand it leads to gross abuse of power; and, on the other hand, quite inexplicable instances occur of innocent people making 'confessions.'"—*(Curzon Commission,* p. 115.)

"The Commission have the strongest evidence that the police force is, as a whole, regarded as far from efficient, and is stigmatized as corrupt and oppressive. . . . Honorable exceptions and mitigating circumstances can not efface the general impression created by the evidence recorded. There can be no doubt that the police force throughout the country is in a most unsatisfactory condition, that abuses are common everywhere, this involves great injury to the people and discredit to the

Government, and that radical reforms are urgently necessary."—*(Curzon Commission,* p. 21.)

Mr. Mackarness asked the Under Secretary for India whether the Secretary of State's attention had been called to the Report of Mr. Halliday, Commissioner of Police in Calcutta, and whether it was the fact that in the course of the last year 1 sergeant, 4 head constables, and 65 constables were dismissed from the service, of whom 2 head constables and 15 constables were dismissed for taking bribes, that 1 head constable and 7 constables were judicially convicted of crime; that 1 head constable and 22 constables were dismissed for illegal acts; and that, in addition, over 500 inspectors, sub-inspectors, sergeants, head constables, and constables were punished departmentally for various offenses?

Master of Elibank: "The number of punishments inflicted appear to show that the responsible officers are exercising proper supervision. *That being so, the Secretary of State deprecates inquiries, which may have the effect of lowering in the public estimation a body of men which is loyally doing its best in difficult circumstances, and upon which the public must rely for their security*" (italics mine).—(From HANSARD, for 27th July, 1909.)

The Master of Elibank: "The percentage of constables unable to read and write in the police forces of the three provinces is as follows:

Bengal	65 per cent
Bombay	48 per cent
Madras	8 per cent

HANSARD, 4th November, 1909.

Mr. Buchanan: "The pay of police constables varies from 7 rupees to 20 rupees a month, and of head constables from 12 to 35" (*i.e.,* police constables 2s. 4d. to 6s. 8d. per week, and head constables 4s. to 11s. 2d. per week).

HANSARD, 23rd February, 1909.

THE METHODS OF THE INDIAN POLICE

The *Spectator* published in its issue of November 13th, 1909, the following grave statement by a correspondent about the Indian police:

"The Indian Courts *know* (italics not mine) that torture is occasionally used to extort false confessions. They, therefore, suspect every confession to be false, and, in practice, decline to convict on a confession unless it is strongly corroborated."

Sir Andrew Fraser's Report

In 1902 Lord Curzon, then Viceroy of India, found it necessary to appoint a commission of leading Indians and Anglo-Indians to investigate the growing scandals in connection with the administration of the police in India. It was presided over by Sir Andrew Fraser, late Lieutenant-Governor of Bengal. It visited every province in India, and examined upwards of 600 witnesses. Its report was presented to Parliament in 1905, and contained the following sentences:

Everywhere we went we heard the most bitter complaints of the corruption of the police. . . . The forms of this corruption are very numerous. . . . The police officer may levy a fee or receive a present for every duty he performs. . . . Suspects and innocent persons are bullied and threatened into giving information they are supposed to possess. . . . If, in the police officer's opinion, enough evidence is not thus obtained to secure a conviction, he will not hesitate to bolster up his case with false evidence. . . . *Deliberate association with criminals in their gains, deliberately false charges against innocent persons, on the ground of private spite or village faction, deliberate torture of suspected persons, and other most flagrant*

abuses occur occasionally. What wonder is it that the people are said to dread the police? (italics mine).

This terrible indictment—not surpassed by Mr. Gladstone's denunciation of the Neapolitan police in 1861—has been in the hands of the Government of India since 1903. What has been done to remove this blot upon our civilization? Why, hardly a mail comes from India without bringing fresh evidence of this intolerable oppression of our fellow-subjects; evidence, not from agitators, but from British judicial officers of the highest standing, nay, even from the police themselves.

Report of Commissioner Halliday

In the very last annual report of the Commissioner of the Calcutta Police it is admitted that out of a force of about 3500 men, no less than 17 men were dismissed for taking bribes, 23 for "illegal acts" (the nature of which may be easily surmised), and 8 for crimes of which they were convicted in court. In addition to this "appalling record"—as the Anglo-Indian* *Statesman* calls it—there is a further record of "departmental punishments" in which inspectors, sub-inspectors, sergeants, head constables, and constables, to the number actually of 500, are included.

I call attention to the Bengal police (of whom no less than 65 per cent are illiterates), because they are supposed to be the best of the Indian police, and because it is upon the secret evidence of these men that gentlemen of culture and repute, like Mr. Aswini Kumar Dutt and Mr. Krishna Kumar Mitra, have been dragged from their homes without charge or trial, flung into imprisonment in common jails, and released after fourteen months' confinement, no scintilla of evidence having been brought against them from first to last.

Mr. Justice Alston

Corruption is taken so much as a matter of course that last June Mr. Justice Alston, in the Allahabad High Court, when a sub-inspector was charged with extorting a bribe of 50 rupees

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*Reactionary Britishers in India are called Anglo-Indians.

for admitting a prisoner to bail, is reported to have said that "it was useless to affect ignorance of the fact that such things as the sub-inspector was accused of doing in this case were done, and, although this particular occurrence might or might not have happened, no one with any experience of the country could say that it was improbable."

So much for corruption, which is bad enough, but still nothing to the graver charges of deliberate torture brought by Sir Andrew Fraser's commission. *With shame and pain it must be said there is abundant evidence from the records of the Courts of Justice week by week that no effective steps have been taken to stop this scandal.* Occasionally, indeed, there are convictions of the police for torture. More often, owing partly to the terror of the witnesses, and partly to the fatally close connection between the police executive and the inferior judiciary, the cases fail, or are hushed up. No one with any intimate knowledge of the facts thinks that Sir Andrew Fraser and his colleague overstated the case. Let me allude to one or two recent trials in Bengal and in the Punjab by way of illustration.

The Chief Justice of Bengal

In the Midnapur appeal heard in 1909 by the High Court of Calcutta, presided over by the Chief Justice of Bengal, the three prisoners had been convicted, two of them on their own confession, of a conspiracy to use bombs for criminal purposes, and of being found in possession of them. The convictions were set aside on the ground that the confessions were illegally extorted by the police, and that the theory of the defense that the police themselves manufactured and placed a bomb on the premises of the accused was not one to be wholly rejected.

The statement reported to have been made by counsel for the defense in open court was this:

These men were marched off to the lock-up with ropes tied round their waists, and some of them were handcuffed. They were kept in the police station, and attempts were made to induce two of them to confess. All kinds of torture were inflicted on the third. He was beaten and stoned. . . . Methods of torture were adopted.

The finding of the Court was to the effect that the confessions

were extorted from the prisoners by ill-treatment, by illegal confinement when untried in solitary condemned cells, by being prevented from sleeping, and by moral pressure of the following cruel kind: The parents of the prisoner, Santosh, were threatened with pains and penalties if their son did not confess. The father was brought time after time to his son's cell to urge him to confess to a great crime which he had never committed, in order to save them from the punishment threatened by the police. At last, after holding out many days, the unfortunate young man gave way, and when he had confessed, he was made use of to bring pressure upon the second prisoner to do the same. A confession was thus at length procured from him also; but, as the High Court said, *"when the magistrate accepted this confession, he ignored the all-important fact that the prisoner had been from August 7th to 15th in police custody, and the methods employed to procure his statement."*

As to the third prisoner, the Court summed up its view of the proceedings of the police by asking, "who would be safe if he were liable to be convicted on a charge so wide, and supported by evidence so indefinite?" These three men so acquitted were all that remained of no less than 154 men of all classes and ages originally charged with this conspiracy by the police. The judgment of the High Court was delivered on June 1st, 1909. An enquiry was ordered into the grave charges against the police, at the head of whom was an European officer; but we are still in ignorance of the result. All that is known is that the police officials chiefly implicated have been given "leave of absence" by the Government of Bengal, and—in answer to a recent question in the House of Commons—that civil actions have been brought by the sufferers against the officers in question, pending which actions the Government will take no steps.

The Chief Court of the Punjab

So much for Bengal. I turn to the Punjab. In March, 1909, three Indians were charged by the Punjab police with falsely accusing three of their fellow countrymen of the murder of a woman who had disappeared from a village called Islamia. It was upon an anonymous letter, presumably alleged to have

been concocted by the prisoners, that the police proceeded against the supposed murderers. For eighteen days they kept these unfortunate men in close custody until they had succeeded in extorting from them by what the Court called "ill-treatment" confessions that they had murdered the woman, and from another that he had actually seen her body buried. Further proceedings were, however, dropped when *it appeared that, in fact, no murder had ever taken place, and a few weeks afterwards the woman appeared alive and well,* having been apparently got out of the way by someone alleged to have instituted the prosecution of the three supposed murderers. The Judges of the Chief Court at Lahore held that *"it would be an insult to anyone's intelligence to pretend that these absolutely false confessions were procured otherwise than in consequence of pressure from some of the investigating (police) officers* (italics mine) . . . and the fact that the men accused of making false charges, in order to avoid ill-treatment (for which theory the confession procured from the accused afforded very serious warrant) repeated a story that was put into their mouths" could be no evidence of their guilt.

In consequence of these startling facts found by the Chief Court, the Punjab Government held a secret enquiry into the conduct of the police, and in due course the Governor published a "Resolution," stating that "in the opinion of the Lieutenant-Governor the facts reported indicate that the police proceedings and especially the refusal to proceed on uncorroborated confessions, were correct."

The Sessions Judge at Rawal Pindi

On June 12th, 1909, a judgment was delivered by Mr. C. L. Dundas, the Sessions Judge at Rawal Pindi, in the Punjab, in a case in which six men were charged with murder mainly upon the confessions of guilt extorted from them. The learned judge said:

"The police investigation has been not only unsatisfactory, but also open to more serious charges, which have been freely made. The main charge made by the defense is torture; but bribery has

also been alleged. . . . As to the torture charge . . . there is no doubt that *Ghulam Mohammed had, and still has, marks on his wrists and ankles.* By order of the Deputy Commissioner an investigation was made. Colonel Clark thought that the marks did not tally with the account given by Ghulam Mohammed, and might have been self-inflicted. *But I think it very inconclusive.* Ghulam Mohammed himself says that when brought to Pandar he was told that if his statements to the Superintendent of Police and Magistrate were not satisfactory, he *would be taken back to Kuttor, the scene of his former racking, and again ill-treated.* The Sub-Inspector took Ghulam, together with a witness, Bakk, to Mussee. . . . He got Bakk's statement recorded, which statement Bakk has since entirely repudiated as extorted.

The confession has led to no corroborative result whatever, and its value must be of the smallest. . . . The other evidence is of the worst. . . . The police investigation in this case certainly seems to call for enquiry." (Italics mine.)

Here it will be observed that the marks of "racking" by the police in March were still visible on the prisoners in June, and that the learned judge demanded an enquiry into the conduct of the police.

It appears from a statement made by the Master of Elibank in Parliament that the Government of the Punjab held a secret police enquiry of the usual sort, and "came to the conclusion that the charge of torture is false, and that no blame attaches to the police." No explanation is offered as to how the man came by his injuries, and why he should have confessed to a murder which he had not committed. The police are white-washed by a secret police enquiry, and the judicial tribunal is discredited.

The Gulab Bano Case

But I must mention one other case in the Punjab, in which the alleged torture was of a more atrocious kind, and the conduct of the Executive of the most unsatisfactory character.

The Chief Court

A woman named Gulab Bano was convicted early in 1908, upon her own confession, of poisoning her husband, and sentenced

by Mr. Kennedy, a Sessions Judge, with the concurrence of three Indian assessors, to be hanged. She appealed to the Chief Court at Lahore, consisting of Mr. Justice Robertson and Mr. Justice Rattigan, who in December of that year, set aside the conviction on the ground that the confession was most probably extorted by outrage of the most horrible kind inflicted on the woman by the police. The Judges exhorted the Executive in earnest language to *"institute a most searching inquiry"* into the conduct of the police. Nevertheless, for nine months the world heard nothing, and the police continued in the service of the Government. At the end of that time appeared a "Resolution" by the Government of the Punjab completely discrediting the views, both of the Judges and of the prison doctor, who examined the woman, and completely exonerating the police. The "Resolution" purports to be the result of a secret enquiry. But no one knows by whom it was held, except that it was by the police. No one knows who was examined, except that none of the police implicated were cross-examined. Parliament has received little information on the subject.

The Alleged Torture

Here is the horrible story of what the police did to the woman, in the very words of the Official "Resolution:"

On the evening of June 7th she complained to the matron of the jail that the police had maltreated her. The hospital attendant was summoned, and to him Gulab Bano (the woman) made a statement to the following effect: **"I was hung to the roof by the police (Superintendent and two head constables) in my village during the investigation, with a rope in my legs, and a baton smeared with green chillies was thrust up my anal opening."**

The matter was reported the next day to the Civil Surgeon, who examined the woman and found that she was suffering from fever, and was in a weak state. He ordered her to be prepared for examination, and next morning examined her, and found her, to use his own words, *"terribly inflamed and ulcerated, a condition which, in my opinion, could only have been caused by an assault similar to that described by the prisoner."* (Italics mine.)

He subsequently added that the assault might have been committed on or about May 12th (the date given by the woman), but more probably about June 2d. To the District Judge the woman gave a "very clear and detailed account" of how the police had first beat and kicked her with the object of making her confess, then tied a rope round her feet and suspended her from a rafter of the roof. Then (so the official account runs) "a police baton, smeared with red peppers, was thrust into her rectum." She described minutely how the red pepper was ground, mixed with water, and applied to the baton, and what part each of the police concerned took in the proceedings.

Under this agony she confessed to having poisoned her husband. She retracted the confession on June 7th, first to the matron of the jail and then to the hospital assistant and the civil surgeon, and on the 10th formally before the district magistrate. Nevertheless, she was committed by him for trial, and convicted and sentenced to be hanged by the Sessions Judge. How could this possibly come about?

Why Was the Woman Committed?

The answer of the Chief Court is clear (the Judges saying, by way of preface, that "they would not differ from the finding save for reasons which, in their opinion, rendered it impossible to uphold the conviction"):

We find, on looking through the record, that evidence distinctly favorable to the unfortunate woman has been, if not suppressed, at all events not brought forward into Court on her behalf. . . . This evidence was known only to the police authorities. . . . We are constrained with regret to observe that the learned Sessions Judge has made frequent references to some case tried in the Peshawar district, in which the accused was apparently concerned. . . . Clearly the record of that case was wholly inadmissible, and was produced by the prosecution, in our opinion, most unfairly, for the sole purpose of prejudicing the Court against the accused. It is, therefore, a matter of regret that the learned judge should have allowed it to be referred to. . . . It is surely too much to suppose that this did not affect the mind of the Sessions Judge in the case before him. Apart, therefore, from all other considerations, it is

obvious that the accused was gravely prejudiced in the trial by the reception of evidence which was inadmissible *per se*, and could only have been adduced for the purpose of alienating the sympathy of the Court from her.

Secret Enquiry by the Executive

The Government of the Punjab finally came to the conclusion that the Sessions Judge was right, the Appeal Judges were wrong, and *that the unfortunate woman probably inflicted this horrible torture upon herself.* (Italics mine.) They support this theory on the ground that there is a discrepancy between the date on which the Civil Surgeon thinks it probable she was tortured and the date when the woman alleges she was actually tortured; and also that on two occasions subsequent to the alleged torture she walked considerable distances and appeared to be in good health. On these grounds, after a secret enquiry, the unanimous judgment of the Chief Court of Appeal of the Punjab is treated as wrong, the doctor's evidence set aside, and the police implicated are acquitted and retained as the instruments of the Executive in the administration of justice.

Death of the Woman

The acquittal of, and the order for, the discharge of the woman dated from December 12th, 1908. Then comes a deplorable and impressive fact. The poor woman "died of fever on January 10th at the village of Ganda Kass, Police Station Pindi Gheb," to quote the official account. But the extraordinary thing is that though she died within a few weeks of the delivery of the Chief Court's judgment, yet no one in India, or here, seems to have been made acquainted with the fact of her death until about October, 1909. During the intervening nine months the Government "enquiry" went slowly and silently on. Frequent questions were asked in Parliament with no result. At last came an elaborate decision by the Lieutenant-Governor to the effect that the police were entirely innocent. But not one word was said to convey to the world that the most important witness, namely, the poor woman herself, had not been examined, and

had been dead for nine months. Was there any enquiry as to how her fever was caused, any medical report, or any inquest?

Judges' Reply to the Executive

As soon as the Government decision appeared the Judges took the almost unprecedented course of saying that they would formally reply to it in open court. Accordingly, on November 20th, 1909, at Lahore, they read a long and carefully prepared "order," recapitulating in full detail the grounds on which they had made the grave reflections upon the police. They again asserted that they did not in any way prejudice the case against the police, but that their suspicions still remained. They laid stress upon the fact that *for three or four days the poor woman was taken by the police away from the jail without any warrant, and "was returned to jail in a deplorable condition."* At the end of this "order" they announced that they proposed to append to their original judgment, the following "rider:"

No enquiry, such as was suggested by us as desirable in our judgment of December 12th, 1908, into the conduct of the police in regard to this case has been made by the Executive Authorities, but his Honor, the Lieutenant-Governor, has called for a memorandum from the Superintendent of Police concerned, and has considered that and the following note of the Deputy Inspector-General, and the medical opinion by Colonel Cunningham, and the papers submitted to him; and after considering these papers and those of the incomplete enquiry made before the trial, has come to the conclusion that the injuries from which Gulab Bano was suffering on June 5th were not caused by the police, and also that the omission to call Head Constable Abdulla as a witness was not due to any intention to suppress evidence favorable to the accused (italics mine).

The Judges had found that this Head Constable could have given evidence of the utmost importance in favor of the woman, but was not put into the box by the police.

How the Police Were Exonerated

What is the salient fact that emerges from this unique judicial pronouncement? That in spite of the earnest warning of the

Judges in December, 1908, that the evidence against the police of what can only be described as fiendish cruelty was *prima facie* such as to call for searching enquiry by the Executive, no such enquiry at all has ever been held, but that the police have been completely white-washed, simply on the strength of a secret memorandum by the superior officers of the very men directly affected by the strictures of the Judges. Nay, more. Not only as to the truth of the allegations of torture made against the police, but as to the value and relevancy of evidence to be called, the Lieutenant-Governor and his policemen openly set aside the opinion of the highest court in the province. Still worse, the clear evidence of the experienced prison doctor who examined the poor woman, and found her injuries to be exactly in accordance with her story, is discarded by the Governor in favor of a theoretical opinion given more than a year afterwards by a medical professor in Lahore. And it is with this that Parliament and the public are expected to be satisfied. As for the Judges, the Executive thus deals with them:

If your lordships find yourselves unable to concur in his decision, the Lieutenant-Governor regrets that it should be so, but so far as the Government is concerned, the decision is a final one, and as such has been communicated to the Head of the Police.

Such is the respect shown by the Executive in India for the highest court in the Province.

Madras

So far I have dealt with Bengal and the Punjab. But still more lately has come the report of a judgment of the Sessions Judge of Madura in Madras, Mr. Hamnett, in which he acquitted six villagers in that district, charged by the police with murder. The principal evidence against them was that of one of themselves who turned informer. He subsequently said that he had given his evidence as the result of torture and "tutoring" on the part of the police. In support of this view the learned judge is reported to have said:

The hospital assistant of Thandikudi admits that the informer was under his treatment from April 29th, 1909, to May 9th, for

dysentery, and also for two wounds; one on the forearm and one on the right leg. The witness does not seem to me to be telling the whole truth. The informer has a number of scars of wounds on both his legs, and a scar of a severe wound on his left arm, which has caused permanent stiffness of one joint of his ring finger. The hospital assistant says he did not see those wounds at Thandikudi, but I can not believe him. *The informer's story, that the wounds were caused by the police beating and branding him, and that he was kept at Thandikudi until the hospital assistant got his wounds healed is more probable. . . . There are strong grounds for thinking that the informer's story, that he was tortured by the police, is substantially true, and that enquiry into the conduct of the police is necessary.* (Italics mine.)

I quote from the *South Indian Mail* of November 8th, 1909, published at Madura.

The United Provinces

I will conclude with a crowning case of police villainy from the United Provinces. Mr. T. K. Johnston, the Sessions Judge at Bahraich, has just passed heavy sentences upon one Inspector, two Sub-Inspectors, and six constables for deliberately concocting against fifteen innocent men a false charge of being dacoits (highway robbers). These unfortunate men were alleged to have been caught and surrounded by the police at night in a lonely house, armed with guns and pistols. It was sworn that they were attacked in force by the police—who fired heavily in self-defense—captured, and taken off to jail. They were brought before a Magistrate, who swallowed the whole story, and committed them all for trial, *one of them having been induced, under prolonged police "pressure," to confess that this concocted charge was true.* Before, however, the case came on for trial, one of the Inspectors had qualms of conscience, and went to Mr. Williamson, an Assistant Superintendent, and confessed to him that the whole affair was "put up" by the police. The persons captured in the house were not the accused at all, but village police, dressed up and armed to represent dacoits. On the return of the party from the house, the accused, who had been pre-

viously arrested on some ground or other, were substituted for the village police, and falsely charged as the captured dacoits. The Inspector who made this confession shot himself immediately afterwards, and the other policemen implicated have been sentenced to terms of imprisonment varying from one year to seven years in length. It appears from the judgment of the Sessions Judge that the men falsely accused were persons against whose characters nothing could be said.

The Appeal

The Inspector, two Sub-Inspectors and seven policemen appealed to the Court of the Judicial Commissioner of Oudh, and the appeal was heard early this year by the Judicial Commissioner and the Additional Judicial Commissioner. The appeal was dismissed by the former as to all the prisoners; but upon the point of law whether the subordinate constables should be acquitted as having acted under the orders of their superior officers, the Additional Judicial Commissioner decided in their favor, and this matter will be referred to the High Court, Allahabad. The Judicial Commissioner held that the prosecution had proved that the fourteen men originally sent up for trial by the police and alleged by them to have been arrested at the house, and to have assembled there for the purpose of committing a dacoity, were not assembled there at all, but that the police—having them in custody elsewhere—had deliberately sent them up for trial on a charge which they knew to be false, and that they supported the charge with evidence which they knew to be false. He held, further, that the sentences inflicted by the Court below did not err on the side of severity.

What Prompted the Crime?

In regard to this affair, the question which calls for an answer is, what was the pressure, or what were the motives which induced four officers and several constables to run the tremendous risk and commit the grave crime of trying to send to long terms of imprisonment fourteen innocent people? We have heard of no action by the Executive either here or in India to enquire into the circumstances under which such a scandal could be profitable

or possible. The victims were not wealthy, or of bad character. Who, or what, then, moved the police to hatch this wicked conspiracy?

It will be observed that in no single case, except the last one (in which one of the miscreants confessed), has any punishment been inflicted upon the police. In all the Punjab cases the considered judgments of the Courts have been set aside and the police white-washed; the white-washing process being in part conducted, as the Judges at Lahore have said with regard to the Gulab Bano case, by "Mr. Chisholm, the Superintendent of Police, against whose subordinates our remarks were directed."

Lord Macaulay on Torture

In Lord Macaulay's Essay on Bacon are to be found the following pregnant sentences on the practice of torture in the administration of justice:

" . . . Queen Elizabeth found it expedient to issue an order positively forbidding the torturing of State prisoners on any pretense whatever, . . . a practice the most barbarous and the most absurd that has ever disgraced jurisprudence."—*Macaulay's "Lord Bacon."*

As Macaulay records, the Tudor Government issued, in the sixteenth century, stringent orders against torture. I have not been able to find that the British Government in India, in the twentieth century, has issued any such order. Appeals from the House of Commons to the present Secretary of State for some such step have, unfortunately, met with scant encouragement. Fresh powers are conferred upon the police under the measures of repression which rapidly succeed one another. No regard seems to be given to the searching question asked by Sir Andrew Fraser and his colleagues, *"What wonder is it that the people are said to dread the police, and to do all they can to avoid any connection with a police investigation?"*

NOTE.—While this pamphlet is going to press there appeared in the *Morning Leader* (Liberal) and the *Standard* and *Morning Post* (both Conservative) the following telegram:

THE NASIK MURDER TRIAL.

BOMBAY, March 10th.

The trial of Kanhere for the murder of Mr. Jackson, the Collector of Nasik, and of six other natives for complicity in the crime, was resumed today.

Damodher Chandrati, a witness, stated that the police ill-treated him for four or five days after his arrest on another charge. He could not identify the accused men owing to the darkness.

Gopal Govindrai deposed that a statement which he had put in had been made under torture. He said he recognized in court two policemen who had tied his hands, struck him in the ribs with their clenched fists, knocked him down, and sat on his legs, which were stretched apart, for two hours.—*Reuter.*

RECENT CASES (Appendix)

BY

EDITOR HINDUSTAN GADAR

Child Sentenced for Playing With Toy Pistol

(*Bengalee,* Calcutta, quoted in *India,* London, September 17th, 1915)

A five-year-old boy of Munshiganj Road, Kidderpore (Bengal), had a toy pistol purchased for him for one anna (2 cents). On August 8th, last, the child was playing with it, but could not explode the paper cap. A twelve-year-old lad showed him how to do it. The boy was at once arrested by a constable and marched off to the Watganj Thana (Police Station) with the toy firearm. The boy was eventually sent up for trial at Alipur and the Court (English Judge) fined him three rupees (one dollar).

(*The Himalaya,* of Lahore, August 27th, 1915)

A case of dacoity was being tried by the Barisal Special Tribunal (Court). The Commissioners asked the defense to produce their witnesses. The latter were called upon to appear. But the witnesses were absent. Babn Radha Charan, the attorney for the defense, told the Commissioners that the witnesses were present at the Court till a short while ago, when the Thanedar (Chief of Police) threatened them in case they testified for the defense. The witnesses got scared and disappeared.

On investigation the Commissioners found that this against the Chief of Police was true. No punishment was meted out to him, though.

(*Amrika Bazar Patrike,* Calcutta, August 23d, 1915)

A case was recently brought in the Criminal Court at Amraoti by a Mohammedan midwife against Inspector of Police of Chandur. The accused, she alleged, committed an indecent assault upon her person. *The District Magistrate (an Englishman) has recommended that the Government will bear the expenses of the criminal case against the Inspector.* No comment is necessary.

(*Amrika Bazar Patrika,* Calcutta, July 27th, 1915)

Mr. Kitchin, the English District Magistrate of Lyallpur (Panjab), has just concluded the hearing of a case in which two police officers and a zaildar (a Government official) were charged with manufacturing false evidence and extorting confession by torture. The case was as follows:

A widow named Musammat Santi disappeared. While an enquiry into her disappearance was being made, the headless form of a woman was found in the neighboring canal. It was identified as that of *Santi,* and a nephew of hers named Pal Singh confessed to having murdered her. Full details of the crime and the disposal of the body were given. The hangman's noose was pretty nearly round Pal Singh's neck, when suddenly one day *Santi*—the "deceased woman"—herself turned up and claimed that she was as sure as anything alive.

Now, it is most extraordinary to see a murdered person turn up alive during the trial of the accused.

But what is still more extraordinary is the spectacle of a man confessing the committal of a murder (which he has not really done) and thereby making himself liable to be hanged. Pal Singh, the accused in this case, told the Court that he had confessed *because he was most brutally tortured by the Police, and because his women folk had been insulted and outraged by the Police officers.*

The District Magistrate, reads the sequel, let the Police officers involved go without any punishment whatsoever.

ENGLISH MAGISTRATE A FIEND

Flogs Children With His Own Hand

(*Amrika Bazar Patrika*, Calcutta, November 2, 1915)
In the Court of A. Hamilton, Esq., Joint Magistrate, Benares.

(1). Trial Case No. 1194.—

Judgment

"Bishunath, a boy of ten, is accused of theft of silver bracelets worth 4 rupees (one dollar). Ram Rakhan, a child of six, says he saw the accused take one bracelet. Mt. Chunia, aged five, saw both bracelets taken off. I, ————, finding accused guilty, sentence him to seven stripes."

(Signed) A. HAMILTON.

Plea of Accused: "I did not take the bracelets. I was beaten by people (Police) into a confession."

(2). Trial Case No. 1169.—

Judgment

"Narain (aged fourteen) is charged with theft of a nose ring (valued at 22 rupees, or seven dollars) of Mt. Bhagwania. Mt. Bhagwania states one and one-half months ago the accused worked for her in the house as labourer and she noticed disappearance of nose ring she had put under ground. . . . Accused says he found the nose ring outside house of complainant four or five days after ('I worked there when I happened to pass that

way'). He gave it to his mother, who mortgaged it. Even this would be theft . . . Finding accused guilty I sentenced him to eight stripes."

(Signed) A. HAMILTON.

The foremost Calcutta paper, *Amrika Bazar,* comments in the following manner on the Daniel-like judgments of this English Magistrate:

"Both the accused, it will be seen, were lads, one aged ten and the other fourteen. They were charged with committing theft. And *nothing short of whipping would satisfy the nice sense of justice of Mr. Hamilton.* The younger lad denied that he stole the bracelets, and said he 'was beaten by people (police) into a confession.' The witnesses in the case were one child of six and two others aged 5 each. On the evidence of these three striplings the boy of ten was sentenced to seven stripes! In the other case, the accused boy of fourteen years was awarded eight stripes."

Nor is this all. "The Magistrate could not resist the pleasure of administering the whipping himself, and so he came down from his judicial seat in open court for the purpose!"

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